

ENTERED ON  
JUL 13 2005

DOCKET

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: )  
)  
ROBERT A. MAY )  
)  
Debtor )  
)

CHAPTER 7

CASE NO. 04-70676-MHM

ACUFF-ROSE MUSIC, INC. ARC MUSIC )  
CORP., SEVEN SHADES MUSIC, )  
KOOG TOWN MUSIC, RAY FARM )  
MUSIC, SHAKEY BEAN MUSIC, )  
Q SUAVE MUSIC, BURNING FIELD )  
MUSIC, CAPANO MUSIC, CASA )  
DAVID, CONRAD MUSIC (A DIVISION )  
OF ARC MUSIC CORP.), FIGS. D. )  
MUSIC, INC., HELIOS MUSIC CORP. )  
JEWEL MUSIC PUBLISHING CO., INC. )  
LEE MENDELSON FILM PROD., INC., )  
MILENE MUSIC, INC., MURRAH )  
MUSIC CORPORATION, SONGS OF )  
UNIVERSAL, INC., UNIVERSAL MUSIC )  
CORP., SONY/ATV SONGS, LLC, )  
YOUNG WORLD MUSIC, INC., )  
ST. NICHOLAS MUSIC, INC., )  
TED KOEHLER MUSIC CO., )  
THELONIOUS MUSIC CORP., )  
WINDSWEPT HOLDINGS, LLC, )  
ZOMBA MUSIC ENTERPRISES, )

**ADVERSARY PROCEEDING  
NO. 04-9177**

Plaintiff )

v. )

ROBERT A. MAY )

**ORDER**

Defendant )

This adversary proceeding was filed October 1, 2004. Defendant filed an answer  
October 27, 2004 and an amended answer November 10, 2004. Under BLR 7026-1, the original

discovery period was scheduled to expire January 27, 2005. By consent order, the discovery period was extended to April 29, 2005.

On April 22, 2005, Plaintiffs filed a motion to extend discovery. As grounds to extend discovery, Plaintiffs show that they served discovery requests upon Defendant December 7, 2005, and March 24, 2005.<sup>1</sup>

Although Defendant has responded to Plaintiffs' discovery requests, Plaintiffs assert that Defendant has objected to many of Plaintiffs' discovery requests, that Defendant's objections lack merit, and that Plaintiffs intend to file a motion to compel Defendant's responses. Plaintiffs have not, however, filed a motion to compel.

Defendant opposes any extension of discovery on the grounds that Plaintiffs have already been allowed six months' discovery in this adversary proceeding and that Plaintiffs conducted discovery in a prepetition lawsuit they filed against Defendant in U.S. District Court. Defendant asserts that he has provided additional information and documents to Plaintiffs but that he no longer possesses many of the records Plaintiffs have requested. Defendant contends Plaintiffs' "relentless vendetta" is interfering with his fresh start. Defendant also suggests that Plaintiffs' responses to his discovery requests are also inadequate and he is considering a motion to compel; however, Defendant has not filed a motion to compel.

Plaintiffs have asserted a substantial claim for relief against Defendant under 11 U.S.C. §523(a). Defendant has failed to show that Plaintiffs have inequitably delayed the progress of discovery. On the other hand, although a motion to compel has been threatened by Plaintiffs,

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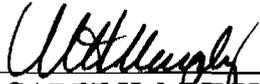
<sup>1</sup> Plaintiffs also show that they served upon Defendant a notice of deposition to take place April 26, 2005, but adjourned that deposition until a ruling could be obtained on Plaintiffs' as-yet-unfiled motion to compel.

none has been filed, despite Defendant's consent to extend the deadline to file a motion to compel to May 28, 2005.<sup>2</sup> Accordingly, it is hereby

ORDERED that counsel for the parties shall confer in an effort to settle their discovery dispute and, if necessary, agree on an additional period for discovery. To the extent that the parties are unable to resolve the discovery dispute, motions to compel may be filed on or before August 12, 2005. Said motions to compel must fully comply with BLR 7037-1 and 7037-2. Following disposition of the motions to compel, additional time for discovery will be allowed as justice requires.

**The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Plaintiffs' attorney and Defendant's attorney.**

IT IS SO ORDERED, this the 12<sup>th</sup> day of July, 2005.

  
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MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE

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<sup>2</sup> The local rules, BLR 7037-2, provide the deadline for filing a motion to compel:

[M]otions to compel discovery must be filed within the time remaining prior to the close of discovery or, if longer, within ten days after service of the discovery responses upon which the objection is based.